

REMARKS

In the Office Action of 20 February 2004, the present Application became the subject of a Restriction Requirement. In the Requirement, the Examiner contended that the Application contains the following distinctive sets of Claims:

- I. Claims 1-12, 22-27, 30-36, 51-52 and 59-63;
- II. Claims 13-17 and 28-29;
- III. Claims 18-21 and 37-40;
- IV. Claims 41-50, 53-55 and 64-65; and
- V. Claims 56-58 and 66-70.

In response to the Restriction Requirement and in accordance with 37 CFR § 1.143, Applicants hereby elect to prosecute the invention set forth in Group I. This election is made with traverse.

As set forth in MPEP §803, there are two criteria that must be met for a proper restriction requirement:

- The inventions must be independent or distinct as claimed; and
- There must be a serious burden on the Examiner if restriction is required.

Applicant respectfully asserts that the Examiner has not met either criteria for restriction.

Concerning the independence of the suggested inventions, Applicants respectfully submit that the present invention solves a widely-recognized problem; specifically, providing universal access to a plurality of medical images, originally created from a plurality of medical imaging devices, using an underlying system design

which is fundamentally different than that of any existing device, system or process.

Although Applicants agree that it is possible to divide the overall invention into various components, such components are not necessarily independent of, or distinct from, each other. Rather, the components suggested by the Examiner still relate to the aforementioned solution which the present invention is meant to provide. Further, Applicants note that the problem of how to design a heavier-than-air flying machine was widely recognized before the invention of the airplane and the airplane, itself, can be divided into various components, such as, for example, wheels, engines and wing shape. Nevertheless, similar to the present invention, the invention of the airplane, and any and all components thereof, are not independent of, or distinct from, one another.

The primary concept of the present Application is that the overall goal of the invention is achieved in practice by assembling all of the existing and novel components together in a prescribed manner which is both non-obvious and novel. Finally, it is unlikely that prior art relating to the present invention exists within an existing, single search class because the overall concept of the present invention of how the multiple processes must be combined in order to achieve a practical overall solution has no precedent.

Regarding the serious burden on the Examiner, Applicants assert that, for example, in order to adequately search and examine the invention recited in the proposed elected Claims of Group I (a plurality of medical images created by a plurality of medical imaging devices each of which processes the medical images using a unique image format), the Examiner will, by necessity, also have to search for databases that generally have elements similar to those set forth in the Claims listed in Group II.

In re Application of: Judd et al.
Application No.: 09/742,575
Atty Docket No.: 39385.01P1

Examiner: J. Veillard
Art Unit: 2175

Therefore, since it is not believed that the Examiner is under any additional burden with respect to the examination of the proposed non-elected Claims, whose elements have to be generally considered during the examination of the proposed elected Claims, the restriction requirement should be withdrawn.

Based on the foregoing Remarks, all Claims in the present Application should be examined together. Such action on the part of the Examiner is respectfully requested. If, however, the Examiner feels a telephonic conference would expedite the allowance of the present Application, it is suggested the Examiner contact the undersigned Attorney.

Respectfully submitted,

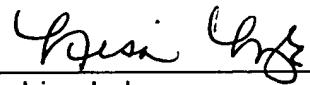
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By: 

Lisa Lyle

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